IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 8 OF 2006

MISS MARIA SANTAN D'SOUZA, ...Appellant
CALANGUTE, BARDEZ GOA.

Versus

MRS. MARIA CONCEICAO LIBANIA ....Respondents
SILVEIRA AND 15 ORS.,

Mr. S.D. Lotlikar, Senior Advocate with Ms. Shreya S. Naik,Advocate for the Appellant.
Mr. M. S .Sonak, Advocate for the Respondents.

Coram:- R.M.S. KHANDEPARKAR, J.

Date:- 3rd March, 2006

P.C.:

Heard.

By consent, the impugned Order dated 11th April, 2005 is hereby quashed and set aside and the matter is remanded to the Civil Judge, Senior Division, Mapusa to decide the application for condonation of delay in filing the application for setting aside the ex-parte decree afresh in accordance with the provisions of law and particularly bearing in mind the provisions of Order 9, Rule 13 of C.P.C. The trial Court is expected to dispose of the matter within a period of six weeks from the date of receipt of the Order after hearing the parties on whatever materials already placed on record. Needless to say that this Court has not expressed any opinion on the issues sought to be raised in the appeal.

The parties to appear before the trial Court on 20th March, 2006 at 10.00 a.m. for further proceedings in the matter. With these directions, the appeal stands disposed of.

R.M.S. KHANDEPARKAR, J.

sl.